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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/734,084

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Lynne Hansen

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EXAMINER

CHAWAN, VIJAY B

ART UNIT

PAPER NUMBER

2626

MAIL DATE

DELIVERY MODE

08/02/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/734,084

Applicant(s)

HANSEN ET AL.

Examiner

Vijay B. Chawan

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Polanyi et al., (US 2004/0049391 A1).

As per claim 1, Polanyi et al., teach the method for determining speech fluency, the method comprising: obtaining one or more speech samples from an individual; dynamically analyzing temporality in the speech samples; and determining a speech fluency of the individual based on the dynamic analysis (0007 – 0014).

As per claim 2, Polanyi et al., teach the method as recited in claim 1, wherein the temporality comprise a total amount of time of silence (0032 – 0033).

As per claim 3, Polanyi et al., teach the method as recited in claim 1, wherein the temporality comprise an average length of silent pause (0032 – 0033).

As per claim 4, Polanyi et al., teach the method as recited in claim 1, wherein the one temporality comprise a total number of runs of speech between pauses (0032 – 0033).

As per claim 5, Polanyi et al., teach the method as recited in claim 1; wherein the temporality comprise a total amount of time of speech (0032 – 0033).

As per claim 6, Polanyi et al., teach the method as recited in claim 1, wherein the temporality comprise an average length of run of speech (0032 – 0033).

As per claim 7, Polanyi et al., teach the method as recited in claim 1, wherein the step for obtaining one or more speech samples comprises a step for recording the one or more speech samples in an electronic format (0033).

As per claim 8, Polanyi et al., teach the method as recited in claim 7, wherein the electronic format is a .wav format (0056).

As per claim 9, Polanyi et al., teach the method as recited in claim 1, wherein the step for dynamically analyzing temporality in the speech samples comprises a step for using a computer device to perform at least a portion of the dynamic analysis (0053).

As per claim 10, Polanyi et al., teach the method as recited in claim 9, wherein the step for dynamically analyzing temporality in the speech samples includes a step for measuring temporal variables in the speech samples (0053 – 0055).

As per claim 11, Polanyi et al., teach the method as recited in claim 10, wherein the temporal variables are measured instantaneously (0053 – 0055).

As per claim 12, Polanyi et al., teach the method as recited in claim 1, wherein the step for determining a speech fluency comprises steps for: determining a fluency

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score for the individual based on the dynamic analysis; and comparing the fluency score with an established fluency range (0024 – 0030).

As per claim 13, Polanyi et al., teach a computer program product for implementing within a computer system a method for determining speech fluency, the computer program product comprising: a computer readable medium for providing computer program code means utilized to implement the method, wherein the computer program code means is comprised of executable code for implementing the steps for: receiving one or more speech samples of an individual; and dynamically analyzing temporality in the speech samples (007 – 0014).

As per claim 14, Polanyi et al., teach a computer program product as recited in claim 13, further comprising a step for determining a speech fluency of the individual based on the dynamic analysis (007 – 0014).

As per claim 15, Polanyi et al., teach a computer program product as recited in claim 13, wherein the temporality comprises a total amount of time of silence (0032 – 0033).

As per claim 16, Polanyi et al., teach a computer program product as recited in claim 13, wherein the temporality comprises an average length of silent pause (0032 – 0033).

As per claim 17, Polanyi et al., teach a computer program product as recited in claim 13, wherein the temporality comprises a total number of runs of speech between pauses (0032 – 0033).

As per claim 18, Polanyi et al., teach a computer program product as recited in claim 13, wherein the temporality comprises a total amount of time of speech (0032 – 0033).

As per claim 19, Polanyi et al., teach a computer program product as recited in claim 13, wherein the temporality comprises an average length of run of speech (0032 – 0033).

As per claim 20, Polanyi et al., teach a computer program product as recited in claim 13, wherein the step for receiving one or more speech samples comprises a step for recording the one or more speech samples in an electronic format (0033).

As per claim 21, Polanyi et al., teach a computer program product as recited in claim 20, wherein the electronic format is a .wav format (0056).

As per claim 22, Polanyi et al., teach a computer program product as recited in claim 13, wherein the step for dynamically analyzing temporality in the speech samples includes a step for electronically measuring temporal variables in the speech samples (0053 - 0055).

As per claim 23, Polanyi et al., teach a computer program product as recited in claim 22, wherein the temporal variables are measured instantaneously (0053 – 0055).

As per claim 24, Polanyi et al., teach a computer program product as recited in claim 13, wherein the computer program code means is further comprised of executable code for implementing a step for determining a fluency score for the individual based on the dynamic analysis (0024 – 0030).

As per claim 25, Polanyi et al., teach a computer program product as recited in claim 24, wherein the computer program code means is further comprised of executable code for implementing a step for comparing the fluency score with an established fluency range (0024 – 0030).

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached PTO-892 form.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vijay B. Chawan whose telephone number is (571) 272-7601. The examiner can normally be reached on Monday Through Friday 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571) 272-7602. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Vijay B. Chawan  
Primary Examiner  
Art Unit 2626

vbc  
7/30/07

**VIJAY CHAWAN**  
**PRIMARY EXAMINER**